REMARKS

Claims 1 – 23 are currently pending. In the above-identified Office Action, the Examiner rejected Claims 1, 2 and 22 under 35 U.S.C. § 102(e) as being anticipated by Raese ('853). Claims 1 – 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall (US Pub. 2002/0122373 A1) in view of Guzik *et al.* (US Pub. 2002/0114101 A1) hereinafter 'Guzik'. Claims 14 and 22 - 23 were rejected under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this Amendment, Applicant has addressed the rejections under 35 U.S.C. § 112. In addition, Applicant submits herewith an Affidavit Under Rule 37 CRF 1.131 to establish a date of invention that predates the effective date of Raese. For the reasons set forth below, the present claims should be allowable. Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

The invention addresses the need in the art for a system or method for accurately positioning read and write mechanisms relative to a memory module to allow information to be stored and retrieved reliably. This is achieved with the addition of control-code to a memory device which, when read, is used to control the position and/or timing of a read/write mechanism relative thereto.

The invention is set forth in Claims of varying scope of which new Claim 36 is illustrative. Claim 36 recites:

36. A method for storing and retrieving information including the steps of:

provide semiconductor media for storing and retrieving data;

providing a read/write mechanism movable relative to said media for writing data to and reading data from said media;

storing **read/write control-code** on said media for controlling a position of said read/write mechanism or timing said read/write mechanism; and

using said **read/write control-code** to control the position and/or timing of said read/write mechanism relative to said media. (Emphasis added.)

None of the references, taken alone or in combination, teach, disclose or suggest the invention as presently claimed. That is, none of the references teach disclose or suggest a system for storing and retrieving information on a semiconductor memory having control-code stored on the memory, which facilitates the positioning and timing of a read/write mechanism relative thereto.

Marshall was cited for teaching the invention as claimed. However, the Examiner acknowledged that Marshall does not teach a positioning of media in response to data read thereon. To address this shortcoming, the Examiner cites Guzik as teaching the use of a servo-burst to adjust the position of a medium and a recording source.

However, Guzik's medium is a disk drive, not a semiconductor memory. The Examiner suggests that one of ordinary skill in the art would be motivated to combine the teachings of Guzik with those of Marshall in order to adjust the tracking error of read/write means with respect to the data bits on the memory. However, for the reasons set forth below, the Examiner's suggestion that it would be obvious to combine the teachings of Guzik and Marshall is tenuous.

First, it is not generally well-known that there is a tracking error in reading and writing data to memory using conventional means such as a stepper motor. The awareness of the tracking error associated with the prior art was achieved by the present inventor only after modeling conventional stepper motors and analyzing data

with respect thereto. Hence, one of <u>ordinary</u> skill in the art would not be motivated to combine the teachings of Guzik with those of Marshall to 'adjust tracking error'.

Moreover, the use of read/write control-code on the media as taught by the present invention would also be nonobvious inasmuch as it can be expected to add to the complexity and cost of the system. As to complexity, a mechanism must be provided for storing position servo read/write-control code or 'servo-code' on the media. In addition, a mechanism must be provided for reading the servo code, detecting the pattern therein and demodulating a resulting output signal.

As to cost considerations, three categories of additional cost would have to be considered: 1) increased direct financial costs due to new associated electronics; 2) manufacturing costs and 3) the cost of space on the die for the servo-code.
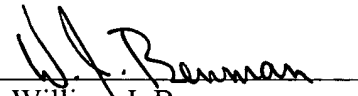
Finally, conventional methods for controlling the position and timing of read/write mechanisms relative to semiconductor memory have typically been open loop.

Hence, there would be no motivation for one of ordinary skill in the art to consider a closed-loop system using code on the media for controlling positioning and timing of a read/write mechanism relative to a semiconductor memory in the manner presently claimed due to the cost and complexity that would be expected and the general lack of awareness of the tracking error of conventional read/write mechanisms on the part of one of **ordinary** skill in the art.

Accordingly, inasmuch as the present claims include limitations directed to the use of control code for read/write control in semiconductor memory, Applicant respectfully submits that the present claims should be allowable.

Reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,
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